

REMARKS

Applicants respectfully request reconsideration of the present application. Claims 1-3, 9 and 20-30 are pending. Claims 1, 21 and 26 have been amended. No new matter has been added. Claims 9, 24 and 29 have been canceled without prejudice.

Rejection under 35 U.S.C. § 112

The Examiner rejected claims 1-3, 9 and 20-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Without admitting to the propriety of the rejection, Applicants have amended claims 1, 21 and 26 accordingly and have canceled claims 9, 24 and 29. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

Rejection under 35 U.S.C. § 103

The Examiner rejected claims 1-3, 20-23 and 25 under 35 U.S.C. § 103(a) based on U.S. Patent Publication No. 2002/0021843 of Fukuhara et al. ("Fukuhara I") in view of U.S. Patent Publication No. 2001/0028404 of Fukuhara et al. ("Fukuhara II").

Claims 1, 21 and 26 have been amended to incorporate the allowable subject matter as the Examiner suggested (pages 7-8, Office Action, 7/28/08).

In particular, each of claims 1, 21 and 26, as amended, recites "... wherein the static images are integrated for each of the frames with the number of static images determined by the setting unit in the second code data." In other words, according to claims 1, 21 and 26, a user can determine the number of static images to be integrated into each frame, and a dynamic image is produced based on such frames. As a result, an amount of code can be adjusted based on the number (provided by a user) of static images constituting a frame.

Because a combination of Fukuhara I and II does not teach or suggest such features as the Examiner acknowledged, Applicants respectfully submit that claims 1, 21 and 24 are allowable.

Claims 2-3, 20, 22-23, 25, 27-28 and 30 depend, directly or indirectly, from one of claims 1, 21 and 26. Therefore, at least for the reasons stated above, Applicants respectfully submit that claims 2-3, 20, 22-23, 25, 27-28 and 30 are also allowable.


In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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